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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/912,601	07/26/2001	Jean-Luc Renaud-Bezot	CELA: 083	7203
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PARKHURST & WENDEL, L.L.P. SUITE 210		CHAMBERS, TROY		
1421 PRINCE STREET			ART UNIT	PAPER NUMBER
ALEXANDRIA, VA 22314-2805			3641	

DATE MAILED: 02/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary Carminer Art Unit Troy Chambers Art Unit Troy Chambers Art Unit Troy Chambers Art Unit Troy Chambers Art Unit Art Unit Troy Chambers Art Unit Art	1	Application No.	Applicant(s)				
Troy Chambers 3641	Office Astion Commons	09/912,601	RENAUD-BEZOT ET AL.				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM. THE MAILING DATE OF THIS COMMUNICATION. E-dentions or time may be willing bloom of 3 CFR 1 136(b). In no event, however, may a reply be timely filed and the tax (b) MONTH of the period of	Oπice Action Summary	Examiner	Art Unit				
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ③ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of lime may be available induct the provisions of 3° CFR 1.35(a). In no event, however, may a reply be timely field Extensions of lime may be available induct the provisions of 3° CFR 1.35(a). In no event, however, may a reply be timely field Extensions of lime may be available induct the provisions of 3° CFR 1.35(b). In no event, however, may a reply be timely field Extensions of lime may be available induction of 100 days will be considered timely. If NO period for reply is specified above, the maximum idention y pariod will apply and well expire 30° X (8) MONTH'S from the mailing date of this communication. Failure provised by the cofficient and this proteomeropial in the remaining table of this communication. Failure provised by the cofficient and the provision of the mailing table of this communication, even if timely fixed, may reduce any search and part of the communication is non-final. 3)							
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1) Responsive to communication(s) filed on	THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any						
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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 2. Claims 1, 3, 5 and 6 rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 3820464 issued to Dixon. Dixon discloses a fragment explosive projectile comprising an inner shell; an explosive charge 20 surrounded by said inner shell 22; an outer casing 26 enclosing said inner shell 16; and, netting 38 located between the outside surface of said inner shell 16 and the outer case 16, 26.

Claim Rejections - 35 USC § 103

- 1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 2. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dixon in view of U.S. 5979332 issued to Hammer. Dixon discloses a fragmenting explosive as described above. However, Dixon does not disclose a plastic case. Hammer discloses a plastic case. At the time of the invention, one of ordinary skill in the art would have

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found it obvious to make the Dixon case of plastic. The suggestion/motivation for doing so would have been to make the projectile lightweight.

- 3. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dixon in view of Lips. Dixon discloses a fragmenting explosive as described above with the exception of an explicit disclosure of the material of the inner shell16. Lips discloses a fragmentation projectile with inner and outer shells made of steel or tungsten. Not only is the use of steel or tungsten for fragmentation components well known in the art, it would also have been obvious to one of ordinary skill in the art for the reasons cited by Lips, namely, the sustaining of acceleration forces and higher characteristic acoustic impedance. (Col. 3, II. 58 to col. 4, II. 28).
- 4. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dixon. Dixon discloses a fragmentation projectile as described above with the exception of an explicit disclosure that the case constitutes a nose cone. The nose cone of Dixon appears to be separate from said case. However, it has been held that to make elements separable involves only routine skill in the art. MPEP 2144.04 (C.).

Conclusion

- 5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art cited on form PTO-892 are cited as of interest to show similar fragmentation projectiles.
- 6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Troy Chambers whose telephone number is (703) 308-

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5870. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael J. Carone, can be reached at (703) 306-4198.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-4177. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

MICHAEL ARONE
SUPERVISORY FATENT EXAMINER